

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN H. WOODRING, JR. :

Plaintiff : CIVIL ACTION NO. 16-2253

v. : (JUDGE MANNION)

NANCY A. BERRYHILL¹ :

Defendant :

ORDER

In accordance with the memorandum issued this same day, **IT IS**
HEREBY ORDERED THAT:

(1) the Commissioner's decision to award Woodring benefits from
March 21, 2012 through December 18, 2013 is **AFFIRMED**;

¹ On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. On March 6, 2018, the Government Accountability Office stated that, as of November 17, 2017, Ms. Berryhill's status violated the Federal Vacancies Reform Act, which limits the time a position can be filled by an acting official and "[t]herefore Ms. Berryhill was not authorized to continue serving using the title of Acting Commissioner..." *Violation of the Time Limit Imposed by the Federal Vacancies Reform Act of 1988 Commissioner, Social Security Administration.* Government Accountability Office. March 6, 2018. However, Ms. Berryhill continues to functionally lead the Social Security Administration from her position of record as Deputy Commissioner of Operations. Pursuant to [Federal Rule of Civil Procedure 25\(d\)](#), Nancy A. Berryhill is substituted for Carolyn W. Colvin, Acting Commissioner of Social Security, as the defendant in this suit.

- (2) the Commissioner's decision to terminate Woodring's benefits as of December 19, 2013 is **REVERSED**;
- (3) the instant action is **REMANDED** to the Commissioner for further proceedings; and
- (4) the Clerk of Court shall **MARK THIS CASE CLOSED**.

s/ *Malachy E. Mannion*

MALACHY E. MANNION
United States District Judge

DATE: December 10, 2018

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